

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed March 22, 2007. Claims 1-48 were pending in the Application prior to the outstanding Office Action. Claims 1, 8, 9, 11-14, 17, 18, 21-26, 29, 35, 42-45 and 48 are being amended, claims 3 and 27 are being canceled, and new claims 49-53 are being added. Claims 1-2, 4-26 and 28-53 remain pending, with claims 1, 9, 14, 21, 23, 24, 25, 29, 35, 48 and 49 being independent. In view of the above amendments and the following remarks, reconsideration and withdrawal of the outstanding rejections and objection are respectfully requested.

I. Allowable Subject Matter

Applicants thank the Examiner for indicated that claims 21-24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action.

Applicants also thank the Examiner for indicated that claims 9-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in the Office Action, and to include all of the limitations of the base claim and any intervening claims.

Further, Applicants thank the Examiner for indicated that claims 3, 14, 15, 17-19, 27, 29, 35-42, 44-46 and 48 would be allowable if rewritten or amended to include all of the limitations of the base claim and any intervening claims.

II. Rejections under 35 U.S.C. 112, 2nd paragraph

Claims 8-13 and 21-24 were rejected under 35 U.S.C. 112, 2nd paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 8 was rejected because “the measuring board” lacked antecedent basis. Claim 8 has been amended to correct the antecedent basis.

Claim 9 was rejected because it was unclear with respect to what structure the board extends when it is pulled on. Claim 9 has been amended to make clear that boards extends from the shielded envelope when it is pulled on.

Claim 11 has been amended to make clear that the means is to prevent the strand carrier from completely advancing beyond the mouth of the shielded envelope. Support for such amendment is provided, e.g., in paragraphs [0047] and [0048] of the specification as originally filed.

Claim 21 has been amended to make clear that the contents of the pouch are also sterilized during the sterilizing step.

Claim 23 has been amended to make its preamble more indicative of the method recited.

Claim 24 has been amended in a similar manner as claim 21.

Based on the above amendments and remarks, it is respectfully requested that the rejections under 35 U.S.C. 112, 2nd paragraph be reconsidered and withdrawn.

III. Claim Objections

Claims 18, 43 and 45 were objected to because they allegedly included method steps which do not further limit the apparatus claims from which they depend. These claims have been amended to overcome such objections. Accordingly, it is respectfully requested that these objections be reconsidered and withdrawn.

IV. Summary Prior Art Rejections

Claims 1, 4, 8 and 20 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,311,813 to Fairbanks et al. (hereafter referred to as "Fairbanks").

Claims 1, 2, 4, 5, 16, 20, 25, 28, 30-32, 43 and 47 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,639,237 to Pedersen et al. (hereafter referred to as "Pedersen").

Claims 6, 7, 26, 33 and 34 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Pedersen.

V. Discussion of Claims

Applicants do not agree with the above prior art rejections. However, to expedite issuance of a patent, many of the claims have been amended to include the features of those claims that were indicated to be allowable by the Examiner.

Claims 1, 2, 4-8 and 16-20

Claim 1 has been amended to include the features of allowable claim 3 (now canceled). Accordingly, claim 1 should now be in condition for allowance.

Dependent claims 2, 4-8, 16-20 are patentable for at least the reason that they depend from claim 1, as well as for the features that they add.

Claims 9-13

Allowable claim 9 has been amended to be in independent form, including the features of its base claim, which was original independent claim 1 (except that the seed strand carrier, as recited in claim 9, is “adapted to carry a plurality of seed strands”, but need not also be adapted to carry “strands of spacer material”), and intervening claim 8. For at least the reason that claim 9 was indicated as being allowable, Applicants believe that claim 9 as amended should now be in condition for allowance.

Dependent claims 10-13 are patentable for at least the reason that they depend from claim 9, as well as for the features that they add.

Claims 14-15

Allowable claim 14 has been amended to be in independent form, including the features of its base claim, which was original independent claim 1 (except that the seed strand carrier, as recited in claim 14, is “adapted to carry a plurality of seed strands”, but need not also be adapted to carry “strands of spacer material”). Additionally, reference to the “strands of spacer material” were removed from the language of claim 14. However, inclusion of such language did not appear to be the reason that the Examiner indicated that claim 14 was allowable. Accordingly, it is believed that claim 14, as amended, should be in condition for allowance.

Dependent claim 15 is patentable for at least the reason that it depends from claim 14, as well as for the features that it adds.

Claims 21-24

As explained above, claims 21-24 have been amended to overcome the 35 U.S.C. 112 2nd paragraph rejections of these claims. Accordingly, it is believed that these claims should now be in condition for allowance. It is noted that the term “paper” prior to the term “pouch” has been deleted from claims 21 and 22 because the pouch need not be paper. Such deletion is not believed to affect the allowability of these claims.

Claims 25, 26, 28-34 and 42-47

Independent claim 25 has been amended to include the features of allowable claim 27 (now canceled). Accordingly, claim 25 should now be in condition for allowance.

Dependent claims 26, 28-34 and 42-47 are patentable for at least the reason that they depend from claim 25, as well as for the features that they add.

Claims 35-41

Allowable claim 35 has been amended to be in independent form, including the features of its base claim, and intervening claim. For at least the reason that claim 35 was indicated as being allowable, Applicants believe that claim 35 as amended should now be in condition for allowance.

Dependent claims 36-41 are patentable for at least the reason that they depend from claim 35, as well as for the features that they add.

Claim 48

Allowable claim 48 has been amended to be in independent form, including the features of its base claim. For at least this reason, claim 48 should be allowable.

New Claims 49-53

Applicants respectfully request the new claims 49-53 be examined and allowed.

VI. Conclusion

In light of the above, it is respectfully requested that all outstanding rejections and objections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge the required fees and any underpayment of fees or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

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By: /Jeffrey R. Kurin/
Jeffrey R. Kurin
Reg. No. 41,132

FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, CA 94108
Telephone: (415) 362-3800
Facsimile: (415) 362-2928
Customer No. 23910